THE HON'BLE SRI JUSTICE P.S. NARAYANA

W.P.No.18358 of 2006

Date : 30-10-2006

Between:

D.Sita Ramchander Rao
S/o.D.Papamma .. Petitioner

And

Government of Andhra Pradesh,
Represented by its Secretary,
Department of Municipal Administration
& Urban Development, Secretariat,
Hyderabad and others .. Respondents

THE HON'BLE SRI JUSTICE P.S. NARAYANA

W.P.No.18358 of 2006

ORDER:

Heard the Counsel on record.

This Court ordered notice before admission on 1-9-2006 and interim direction not to demolish the compound wall of the petitioner in question was initially granted for a period of two weeks and the same is being extended.

The Writ Petition is filed for a writ of mandamus declaring the action of respondents in seeking to demolish the compound wall of the petitioner covering the private lane at D.No.3-5-911, Himayathnagar, Hyderabad as illegal, arbitrary, contrary to the provisions of Hyderabad Municipal Corporation Act and unconstitutional and consequently to direct the 1st respondent to take action against the 2nd respondent officials for seeking to benefit 3rd and 4th respondents for extraneous considerations and to pass such other suitable orders.

Several factual details are narrated. It is stated that for the benefit of respondents 3 and 4 and for extraneous reasons respondents 1 and 2 are threatening to carry out the demolition activity of the compound wall in question. However, the Counsel representing the 2nd respondent would submit that 2nd respondent had never interfered with the compound wall in question and even otherwise the 2nd respondent is bound to follow the due process of Law before initiating any such action whatsoever.

In view of the facts and circumstances well explained, taking into consideration the averments in detail made in paras 3 to 8 of the affidavit filed in support of the Writ Petition, the Writ Petition is disposed of directing the 2nd respondent not to proceed with any

demolition activity of the compound wall in question unless and until the 2nd respondent follows the due process of Law. No order as to costs.

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Justice P.S. Narayana

Date : 30-10-2006

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